

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JONATHAN NUNEZ,)
Petitioner,)
v.) Case No. 1:21-cv-240
COMMONWEALTH OF)
PENNSYLVANIA,)
Respondent.)

MEMORANDUM ORDER

This action was received by the Clerk of Court on August 26, 2021. The matter was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On March 2, 2022, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that (1) the motion seeking leave to proceed in forma pauperis [ECF No. 4] be granted; (2) that the action be dismissed for failure to state a claim in accordance with 28 U.S.C. § 1915(e); and (3) Mr. Nunez's motion for summary judgment [ECF No. 7] be denied. ECF No. 9. Mr. Nunez filed Objections which were a reiteration of his habeas petition, as well as his proposed complaint. ECF No. 10. By Order dated March 31, 2022, the undersigned adopted the Report and Recommendation as the Opinion on this Court. ECF No. 11.

Despite the closure of this case, Petitioner continues to send correspondence to this Court seeking habeas relief. ECF No. 14; ECF No. 15. As part of his correspondence, Petitioner claims he is entitled to relief because the Commonwealth has failed to respond to his petition.

Petitioner's argument in this regard is wrong. The petition for writ of habeas corpus was dismissed pursuant to 28 U.S.C. § 1915 and this case has not been served on Respondent.

AND NOW, this 19th day of July 2022;

IT IS HEREBY ORDERED that Petitioner's post-dismissal requests for relief are denied.


/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge